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February 24, 2010

Via Electronic Filing

The Honorable Claire C. Cecchi, U.S.M.J.
United States District of New Jersey
Martin Luther King Jr. Federal Building & Courthouse Room 5054
50 Walnut Street
Newark, NJ 07101

Re: *Victor Company of Japan, Ltd. v. Glyphics Media, Inc., et. al.*
Civil Action No.: 09-1272 (JLL)(CCC)(DNJ)

Dear Judge Cecchi:

We represent, along with Weil Gotshal & Manges, plaintiff Victor Company of Japan, Ltd. ("JVC"). We write jointly with counsel for defendants Glyphics Media, Inc. and Moser Baer India Ltd. (the "MBI Defendants") to request that the Court: (i) enter an Order dismissing the MBI Defendants from this action; or (ii) schedule a telephonic conference for leave to move to dismiss the MBI Defendants pursuant to *Fed. R. Civ. P.* 41.

JVC and the MBI Defendants have amicably settled their claims in this action. Pursuant to the settlement agreement, JVC agreed to dismiss the MBI Defendants from this case. Accordingly, in January, we circulated to all counsel, including counsel for the CMC Defendants,¹ a proposed "Stipulation Dismissing With Prejudice Claims Against Glyphics Media, Inc. and Moser Baer India Ltd. Only And Preserving All Other Claims and Counterclaims" (the "Stipulation") to be executed by all parties, consistent with *Fed. R. Civ. P.* 41(a)(1)(A). The Stipulation, a copy of which is attached hereto as Exhibit A, expressly preserved the claims, counterclaims and defenses concerning the CMC Defendants.

¹ The "CMC Defendants" are CMC Magnetics Corp., Hotan Corp. and KHypermedia.

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The CMC Defendants have refused to sign the Stipulation, despite repeated requests to do so.² Given that the settlement between the MBI Defendants and JVC requires dismissal of the MBI Defendants from this action – and given the CMC Defendants’ refusal to sign the Stipulation even though it does not prejudice the CMC Defendants’ position – we have no choice but to seek Court intervention to dismiss the MBI Defendants.

Respectfully submitted,

s/Richard H. Epstein
Richard H. Epstein

Enclosure

cc: Ed Haug, Esq.
Grace Pan, Esq.
Arnold B. Calmann, Esq.
Andrew Valentine, Esq.
Christopher Cox, Esq.
David Yohai, Esq.
(all via email with enclosure)

² JVC and the CMC Defendants recently executed a Memorandum of Understanding to settle, *inter alia*, the claims and counterclaims in this case between JVC and the CMC Defendants. The parties are in the process of preparing papers to finalize that settlement.

EXHIBIT A

SILLS CUMMIS & GROSS P.C.
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Counsel for Plaintiff
VICTOR COMPANY OF JAPAN, LTD.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

VICTOR COMPANY OF JAPAN, LTD.,

Plaintiff,

v.

GLYPHICS MEDIA, INC., MOSER BAER
INDIA LTD., CMC MAGNETICS CORP.,
HOTAN CORP. AND KHYPERMEDIA
CORP.,

Defendants.

Case No. 2:09-cv-01272 (JLL) (CCC)

**STIPULATION DISMISSING WITH
PREJUDICE CLAIMS AGAINST
GLYPHICS MEDIA, INC. AND
MOSER BAER INDIA LTD. ONLY
AND PRESERVING ALL OTHER
CLAIMS AND COUNTERCLAIMS**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the attorneys of record for the plaintiff and defendants in the above-entitled action, that whereas the plaintiff and defendants Glyphics Media, Inc. and Moser Baer India Ltd. have amicably resolved their disputes, the above-captioned action as against defendants Glyphics Media, Inc. and Moser Baer India Ltd. only is hereby dismissed with prejudice pursuant to *Fed. R. Civ. P.* 41(a), with

each party bearing its own costs. This Stipulation does not affect any claims and/or counterclaims remaining in this action as between plaintiff and defendants CMC Magnetics Corp., Hotan Corp. and KHypermedia Corp. and/or any defenses to those claims and counterclaims, all of which are reserved and preserved.

Dated: January 6, 2010

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